

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

WILLOW INNOVATIONS, INC.,

Plaintiff,

v.

CHIARO TECHNOLOGY, LTD.,

Defendant.

Case No. 2:23-cv-00229-JRG

JURY TRIAL DEMANDED

**WILLOW’S UNOPPOSED MOTION FOR LEAVE TO AMEND INFRINGEMENT
CONTENTIONS UNDER P.R. 3-6(b)**

Plaintiff Willow Innovations, Inc. (“Willow”) moves for leave to amend its Infringement Contentions to add two additional practicing products under Local Patent Rule 3-1(f). On September 28, 2023, Willow served its original infringement contentions, stating that the “Willow 3.0 Wearable Breast Pump and the mobile applications designed for use in conjunction with the Willow 3.0 Wearable Breast Pump” practice the asserted claims of Willow’s asserted patents. Out of an abundance of caution, Willow through this motion seeks leave to add Willow’s prior generation products—the Willow 1.0 and 2.0 Wearable Breast Pumps—as practicing products under Local Patent Rule 3-1(f).

Good cause exists for the Court to grant this motion. Willow first notified Defendant Chiaro Technology, Ltd. (“Elvie”) on October 16, 2023 of Willow’s intent to move for relief under Local Patent Rule 3-6(b) to amend its Local Patent Rule 3-1(f) disclosure of practicing products.

And on October 18, Willow provided Elvie with notice of its Proposed Supplemental Infringement Contentions, identifying the additional practicing products in the Cover Pleading to the Infringement Contentions. In addition, Counsel for Elvie is unopposed to the relief sought through this motion.

For these reasons, Willow respectfully requests that the Court grant this unopposed motion for leave to amend its Infringement Contentions Under P.R. 3-6(b).

Dated: October 27, 2023

/s/ Timothy S. Durst

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***Attorneys for Plaintiff Willow Innovations,
Inc.***

CERTIFICATE OF SERVICE

The undersigned hereby certifies that counsel of record who are deemed to have consented to electronic services are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on October 27, 2023.

/s/ Timothy S. Durst

Timothy S. Durst

CERTIFICATE OF CONFERENCE

Counsel for Willow conferred with counsel for Elvie on October 23, 2023 and October 24, 2023, and counsel for Elvie is unopposed to the relief sought through this motion. Counsel for Elvie provides the following statement: "While Elvie does not oppose Willow's motion for leave to amend its infringement contentions to add additional practicing products, Elvie reserves all rights to seek leave to amend its invalidity contentions based on Willow's belated supplementation and ongoing Patent Rule 3-2 productions that should have been provided on the September 28, 2023 deadline but were not. Willow had months to investigate its products and files and there is no reason why this information could not have been timely provided at the outset and in compliance with the Patent Rules."

/s/ Timothy S. Durst

Timothy S. Durst